UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,495	02/17/2004	Will Volnak	COPER-01008	4929

43490   7590   10/12/2007
WEST & ASSOCIATES, A PC
2815 MITCHELL DRIVE
SUITE 209
WALNUT CREEK, CA 94598

EXAMINER
KEEHN, RICHARD G

ART UNIT	PAPER NUMBER
4121	

MAIL DATE	DELIVERY MODE
10/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/781,495	VOLNAK, WILL
	Examiner	Art Unit	
	Richard G. Keehn	4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/17/2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3/6/2007*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 1-31 are examined and pending.

Continuation

This application discloses and claims only subject matter disclosed in prior

Application No. 09/109,135, filed July 2, 1998, and names an inventor or inventors

named in the prior application. Accordingly, this application may constitute a

continuation or division. Should applicant desire to obtain the benefit of the filing date of

the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its
support in the language of 35 U.S.C. 101 which states that "whoever invents or
discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis
added). Thus, the term "same invention," in this context, means an invention drawn to
identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re
Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164
USPQ 619 (CCPA 1970).

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   Claims 1,3-6, and 9-24, and 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,694,357 (Volnak). Although the conflicting claims are not necessarily identical, they are not patentably distinct from each other:

As to Claim 1, Volnak anticipates, or would have been obvious over a method for accessing, viewing and manipulating data stored in a computer system (Volnak, Claim 1 also is a method for accessing, viewing and manipulating stored data in one or more computers, which anticipates one computer), comprising:

selecting a plurality of non-modifiable data objects stored in a storage of the computer system (Volnak, Claim 1, selecting is anticipated by accessing and manipulating. Permanent archive anticipates non-modifiable. Storing in a computer system is stated);

creating references to the selected data objects (Volnak, Claim 1 describes storing a collection of references, which must be created before it can be stored);

adding the references to a first reference list (Volnak, Claim 1, collection of references is a reference list);

and manipulating the first reference list (Volnak, Claim 1, collection of references

is a reference list);

wherein the first reference list and the data objects corresponding to the

references contained in the first reference list are displayed in a single window of the

computer system (Volnak, Claim 10 describes display on "the window", which implies a

single window. Claim 11 further limits Claim 10 by describing that the first reference list

and second reference list are included).

As to Claim 3, Volnak anticipates, or would have been obvious over the method

of claim 1, wherein each of the references to the non-modifiable data objects further

comprises a modifiable tag field (Volnak, Claim 2 is identical).

As to Claim 4, Volnak anticipates, or would have been obvious over the method

of claim 1, wherein each of the data objects contains a searchable comment field and a

searchable tag field (Volnak, Claim 3 is identical).

As to Claim 5, Volnak anticipates, or would have been obvious over the method

of claim 1, further comprising storing the first reference list and the data objects

corresponding to the references in the first reference list in a non-modifiable collection

of data objects (Volnak, Claim 4 the collection of non-modifiable data objects is

equivalent to the first reference list).

As to Claim 6, Volnak anticipates, or would have been obvious over the method of claim 5, wherein the non-modifiable collection of data objects is created on a first computer and the method further comprises adding a plurality of references to data objects stored in the non-modifiable collection of data objects to a second reference list stored on a second computer (Volnak, Claim 5 recites the same substituting the equivalent term "collection of references" with the term "reference list").

As to Claim 7, Volnak anticipates, or would have been obvious over the method of claim 6, wherein the references to the single data object are created by more than one search of the data objects (Volnak, Claim 6 recites the same substituting the equivalent term "entries" with the term "data objects").

As to Claim 9, Volnak anticipates, or would have been obvious over the method of claim 1, wherein a reference to a single data object is contained in more than one reference list (Volnak, Claim 7 recites the same substituting the equivalent term "collection of references" with the term "reference list").

As to Claim 10, Volnak anticipates, or would have been obvious over the method of claim 1, wherein the references in the first reference list are organized in a user-modifiable order (Volnak, Claim 8 recites the same substituting the equivalent term "collection of references" with the term "reference list").

As to Claim 11, Volnak anticipates, or would have been obvious over the method of claim 1, wherein each data object comprises a unique identifier, one or more fields of meta-information and freeform content (Volnak, Claim 9 recites the same substituting the equivalent term "data" with the term "data object").

As to Claim 12, Volnak anticipates, or would have been obvious over the method of claim 11, wherein the meta information is used in searching the data objects and Is displayed on the window of the computer system together with the data object (Volnak, Claim 10 recites the same substituting the equivalent term "entry" with the term "data object").

As to Claim 13, Volnak anticipates, or would have been obvious over the method of claim 1, wherein the data objects and the first reference list are stored on a first computer and a second reference list is stored on a second computer (Volnak, Claim 5 recites the same substituting the equivalent term "collection of data objects" with the term "reference list"), the first computer being connected to the second computer by a computer network (Volnak, Claim 12 describes the connection of computers via a computer network).

As to Claim 14, Volnak anticipates, or would have been obvious over the method of claim 13, further comprising adding references in the first reference list to the second

reference list (Volnak, Claim 11 recites the same substituting the equivalent term

"collection of references" with the term "reference list").

As to Claim 15, Volnak anticipates, or would have been obvious over the method

of claim 14, wherein the network is a local area network (Volnak, Claim 12 uses a local

area network).

As to Claim 16, Volnak anticipates, or would have been obvious over the method

of claim 14, wherein the network is a wide area network (Volnak, Claim 12 uses a wide

area network).

As to Claim 17, Volnak anticipates, or would have been obvious over the method

of claim 14, wherein the network is a global network (Volnak, Claim 12 uses a global

network).

As to Claim 18, Volnak anticipates, or would have been obvious over the method

of claim 13, further comprising a third computer, wherein the data objects are created

on the third computer (Volnak, Claim 13 recites the same substituting the equivalent

term "entries" with the term "data objects").

As to Claim 19, Volnak anticipates, or would have been obvious over the method of claim 1, wherein one or more data objects comprise text data (Volnak, Claim 14 uses text data).

As to Claim 20, Volnak anticipates, or would have been obvious over the method of claim 1, wherein one or more data objects comprise image data (Volnak, Claim 14 uses image data).

As to Claim 21, Volnak anticipates, or would have been obvious over the method of claim 1, wherein one or more data objects comprise audio data (Volnak, Claim 14 uses audio data).

As to Claim 22, Volnak anticipates, or would have been obvious over the method of claim 1, wherein one or more data objects comprise multimedia data (Volnak, Claim 14 uses multimedia data).

As to Claim 23, Volnak anticipates, or would have been obvious over the method of claim 1, wherein the search parameters are automatically sifted by comparing a text portion of the data objects to a list of predetermined text segments to determine whether one or more of the text segments occur within a text portion of the data objects (Volnak, Claim 15 recites the same substituting the equivalent term "entries" with the term "data objects").

As to Claim 24, Volnak anticipates, or would have been obvious over the method of claim 23, wherein the predetermined text segments are stored and used in successive sifting operations (Volnak, Claim 16 is identical).

As to Claim 27, Volnak anticipates, or would have been obvious over a computer-readable storage medium comprising a computer program, the computer program including instruction for:

selecting one or more non-modifiable data objects stored in a computer system (Volnak, Claim 1, selecting is anticipated by accessing and manipulating. Permanent archive anticipates non-modifiable. Storing in a computer system is stated);

creating references to the selected data objects satisfying the search parameters (Volnak, Claim 1 describes storing a collection of references, which must be created before it can be stored);

adding the references to a reference list (Volnak, Claim 1, collection of references is a reference list); and

manipulating the reference list (Volnak, Claim 1, collection of references is a reference list), wherein the reference list and the data objects are displayed on a single window of the computer system (Volnak, Claim 10 describes display on "the window", which implies a single window. Claim 11 further limits Claim 10 by describing that the first reference list and second reference list are included).

Specification

2.   The disclosure is objected to because of the following informalities:

- The specification refers to journal entries in Figure 3 as 350, 360, 370 and 380 in paragraph 0038, but refers to said entries as 360, 370, 380 and 390 in paragraph 0039.

- Paragraph 0040 contains the phrase "In Fig 2...", which should read "In Fig 3..."

- Paragraph 0041 describes the addition of entries to the notebooks in both details 415 and 420 without distinguishing any difference in conditions leading to the addition. If the same, the process should be labeled with one detail number. If different, please explain how they differ. See also paragraph 0042 with respect to details 445 and 447.

- Paragraph 0045 refers to Figures 7-8. It should read 7, 8A-8C.

- Paragraph 0045 refers to Figures 5A-5E, yet the drawing set does not include a drawing 5E.

- Paragraph 0056 refers to Figure 8 which does not exist. It should refer to Figure 8A.

- Paragraph 0072 describes details 12103, 12203, 12303; and a reference to 12003; none of which are on the drawings.

- Paragraph 0074 references library ID 1210. Figure 12A and paragraph

  0072 refer to detail 1210A as the library ID.

- Claim 7 objected to under 37 CFR 1.75(c), as being of improper

  dependent form for failing to further limit the subject matter of a previous

  claim. Applicant is required to cancel the claim(s), or amend the claim(s)

  to place the claim(s) in proper dependent form, or rewrite the claim(s) in

  independent form. Claim 7 references the "single data object" of Claim 6,

  but Claim 6 references a plurality of data objects, not a singular form.

Appropriate corrections are required.

Drawings

3.   The drawings are objected to because of several instances of vague or missing

descriptors, and flow paths undefined in the specification. Corrected drawing sheets in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary,

the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- Fig 1A:
    - Detail 100 has no label.
- Fig 1B:
    - Detail 140 has no label.
- Fig 2:
    - Detail 200 has no label.
    - Details 210, 230, 260 and 280 have descriptors that are too vague. They should at least assist in describing the invention. Example for 210, which reads "Search?" should read something like "Search non-modifiable data objects?"
    - There is a line adjoining details 270, 240 and 280. It is not labeled as to direction of flow, and specification does not describe direction of flow.
- Fig 3:
    - Journal entries with drawing detail numbers 360, 370, 380 and 390 are described in the specification as detail numbers 350, 360, 370, and 380.

- o Details 360, 370, 380, 390, 365, 375, 385 and 395 use the same label to describe entries having differing states. (fluid vs. frozen) To clarify the invention, labels should be more descriptive, such as "Fluid Entry" and "Frozen Entry."

- Fig 4A:

  - o Detail 400 has no label.

  - o The "add" function of detail 420 appears to be redundant with detail 415.

  - o Detail 420 is too vague. To clarify the invention, it should read something like "Add/Remove Entries to/from Notebook."

- Fig 4B:

  - o Detail 430 has no label.

  - o The "add" function of detail 445 appears to be redundant with detail 447.

  - o Detail 447 is too vague. To clarify the invention, it should read something like "Add/Remove Entries to/from Notebook."

- Fig 4C:

  - o Detail 460 has no label.

  - o Detail 470 is too vague. To clarify the invention, it should read something like "Search Frozen Entries."

  - o Detail 475 is too vague. To clarify the invention, it should read something like "Match Search Parameters?"

  - o Detail 485 is too vague. To clarify the invention, it should read something like "Add/Remove Entries to/from Notebook."

- Fig 4D:

    o Detail 490 has no label.

    o Detail 487 is too vague. To clarify the invention, it should read something like "Is Search Being Conducted?" or "Searching?"

    o Detail 489 is too vague. To clarify the invention, it should read something like "Is a Selection Being Performed?" or "Selecting?"

    o Detail 495 is too vague. To clarify the invention, it should read something like "Match Search Parameters?"

- Figures 5B to 5D:

    o Detail 555 needs a label. Icon shown gives no clue as to its function.

    o Detail 580 displays a time, but looking at the drawing, one would not know this time corresponds to the creation time.

- Fig 5E:

    o The specification states the existence of drawing 5E in paragraph 0045, but it was not provided with the drawing set.

- Figures 6A and 6B:

    o Detail 600 has no label.

    o Detail 630 needs a label. Icon shown gives no clue as to its function.

    o Detail 660 needs a label. Icon shown gives no clue as to its function.

    o Detail 645 needs a label. Icon shown gives no clue as to its function.

    o Detail 635 needs a label. Icon shown gives no clue as to its function.

- o   Detail 680 displays a time, but looking at the drawing, one would not know this time corresponds to the creation time.

- o   Detail 683 displays a time, but looking at the drawing, one would not know this time corresponds to the freezing time.

- Fig 9B:

  - o   Detail 940 described in the specification paragraph 0066 is not identified on the drawing.

- Fig 9C:

  - o   Detail 970 described in the specification paragraph 0067 is identified as detail 950 on the drawing.

- Fig 10A:

  - o   Detail 1000 has no label.

- Fig 10B:

  - o   Detail 1060 has no label.

- Fig 11:

  - o   Detail 1060 has no label.

  - o   Detail 1140 is described as the author notebook list in paragraph 0072, but points to the reader notebook list on the drawing.

  - o   Detail 1150 is described as the reader notebook list in paragraph 0072, but points to the author notebook list on the drawing.

- Figures 12A to 12C:

  - o   Details 1200A, 1200B and 1200C have no labels.

    o Details 1210B, 1220B, 1230B, 1210C, 1220C and 1230C are not

       described in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term

of a claim contrary to its ordinary meaning, the written description must clearly redefine

the claim term and set forth the uncommon definition so as to put one reasonably skilled

in the art on notice that the applicant intended to so redefine that claim term. *Process*

Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed.

Cir. 1999).

4.   Claims 7 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As to claim 7, the claim recites the limitation "the single data object" in Claim 6.

There is insufficient antecedent basis for this limitation in the claim. Said "single data

object" is not in the claim language of Claim 6.

As to claim 24, the term "sifting" is indefinite because the specification does not

clearly redefine the term.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 26, the computer program is non-statutory if it does not reside on computer-readable medium.

As to claim 27, the computer program residing on computer readable storage medium is non-statutory if it does not execute on a computer.

6.   Claim 28 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

As to claim 28, the computer readable storage medium alone lacks utility if it does not contain a computer program and does not execute on a computer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1, 8-10, 13-25, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,931,907 (Davies et al.).

As to Claim 1, Davies et al. teach a method for accessing (Davies, Column 1, lines 28-33 describe accessing data), viewing (Davies, Column 3, line 27 describes a viewer) and manipulating data (Davies, Column 3, lines 57-64 describe manipulation techniques such as summarizing, updating, etc.) stored in a computer system (Davies, Column 3, lines 24-25 describe using computers), comprising:

selecting a plurality of non-modifiable data objects stored in a storage of the computer system (Davies, Column 3, lines 36-40 describe selection of non-modifiable data);

creating references to the selected data objects (Davies, Column 2, lines 29-31 describe creating an index on, or pointer to, data objects);

adding the references to a first reference list (Davies, Column 3, lines 57-64 describe reference lists that Davies calls profile store and intelligent page store); and

manipulating the first reference list (Davies, Column 3, lines 57-64 describe manipulation techniques such as summarizing, updating, etc.);

wherein the first reference list and the data objects corresponding to the references contained in the first reference list are displayed in a single window of the computer system (Davies, Column 3, line 43 describes the Jasper agent integrated with a viewer).

As to Claim 8, Davies et al. teach the method of claim 1, further comprising:

searching the data objects according to one or more new search parameters (Davies,

Column 5, lines 14-27 describe using search parameters like keywords to search data

objects);

in response to the search, creating one or more new references to data objects

satisfying the search parameters (Davies, Column 5, lines 14-27, Jasper creates

references based on search parameters) and adding the new references to the

references in the first reference list (Davies, Column 5, lines 14-27, Jasper saves into

the IPS).

As to Claim 9, Davies et al. teach the method of claim 1, wherein a reference to a

single data object is contained in more than one reference list (Davies, Column 5, lines

44 –64 describe two methods of displaying the same reference in differing lists, one a .

keyword search and the other in a "What's new?" list).

As to Claim 10, Davies et al. teach the method of claim 1, wherein the references

in the first reference list are organized in a user-modifiable order (Davies, Column 5,

lines 45-60 describe the user being able to weight the matching process and set

thresholds, thus being able to modify the order of the list). .

As to Claim 13, Davies et al. teach the method of claim 1, wherein the data

objects and the first reference list are stored on a first computer and a second reference

list is stored on a second computer (Davies, Column 7, lines 41-60; and Columns 9 and

10, lines 38-67 and 1-4 discuss data that's created on one computer being able to be

modified on another computer including reference information. Also, see Column 1,

lines 27-40 where a plurality of software agents used to provide reference lists are used

on a plurality of networked machines), the first computer being connected to the second

computer by a computer network (Davies, Column 3, lines 32-33 describe the

customer's computer network).

As to Claim 14, Davies et al. teach the method of claim 13, further comprising

adding references in the first reference list to the second reference list (Davies, Column

1, lines 44-50 describes a user being able to add to one list, and having that information

shared with other users on different computers).

As to Claim 15, Davies et al. teach the method of claim 14, wherein the network

is a local area network (Davies, Column 1, lines 30-31 describe a communications

network, which anticipates a local area network).

As to Claim 16, Davies et al. teach the method of claim 14, wherein the network

is a wide area network (Davies, Column 1, lines 30-31 describe a communications

network, which anticipates a wide area network).

As to Claim 17, Davies et al. teach the method of claim 14, wherein the network is a global network (Davies, Column 1, lines 30-31 describe a communications network, which anticipates a global network).

As to Claim 18, Davies et al. teach the method of claim 13, further comprising a third computer, wherein the data objects are created on the third computer (Davies, Column 7, lines 41-60; and Columns 9 and 10, lines 38-67 and 1-4 discuss data that's created on one computer being able to be modified on another computer including reference information. Also, see Column 1, lines 27-40 where a plurality of software agents used to provide reference lists are used on a plurality of networked machines. This anticipates any number of computers, including a third computer).

As to Claim 19, Davies et al. teach the method of claim 1, wherein one or more data objects comprise text data (Davies, Column 3, line 37 describes the use of a text summarizing tool, which summarizes text data).

As to Claim 20, Davies et al. teach the method of claim 1, wherein one or more data objects comprise image data (Davies, Column 2, lines 22-31 describe the use of meta-information which may point to image data objects used by the Jasper system).

As to Claim 21, Davies et al. teach the method of claim 1, wherein one or more data objects comprise audio data (Davies, Column 2, lines 22-31 describe the use of meta-information which may point to audio data objects used by the Jasper system).

As to Claim 22, Davies et al. teach the method of claim 1, wherein one or more data objects comprise multimedia data (Davies, Column 2, lines 22-31 describe the use of meta-information which may point to multimedia data objects used by the Jasper system).

As to Claim 23, Davies et al. teach the method of claim 1, wherein the search parameters are automatically sifted by comparing a text portion of the data objects to a list of predetermined text segments to determine whether one or more of the text segments occur within a text portion of the data objects (Davies, Column 4, line 44 to Column, 5 line 13 describe the ConText system which automatically sifts the text portion of data objects and the output is used by the Jasper system to do a keyword search).

As to Claim 24, Davies et al. teach the method of claim 23, wherein the predetermined text segments are stored and used in successive sifting operations (Davies, Column 4, line 44 to Column, 5 line 13 describe the "ConText" system which automatically sifts the text portion of data objects, creates text segments, and the output is used by the Jasper system to do a keyword search).

As to Claim 25, Davies et al. teach a computer system for accessing (Davies, Column 1, lines 28-33 describe accessing data), viewing (Davies, Column 3, line 27 describes a viewer) and manipulating data objects (Davies, Column 3, lines 57-64 describe manipulation techniques such as summarizing, updating, etc.) comprising:

a plurality of modifiable data objects stored in a storage of the computer system (Davies, Column 5, lines 4-24 describe the creation of a plurality of modifiable data objects on a computer system);

a plurality of non-modifiable data objects stored in the storage of the computer system (Davies, Column 3, lines 36-40 describe selection of non-modifiable data);

a computer program (Davies, Column 2, lines 9-11 describe software agents, which are computer programs); and

a computer executing the program (Davies, Column 1, lines 28-40 describe computers executing programs), wherein the computer program includes instructions for:

selecting one or more non-modifiable data objects stored in the computer system (Davies, Column 3, lines 36-40 describe selection of non-modifiable data);

creating references to the selected data objects (Davies, Column 2, lines 29-31 describe creating an index on, or pointer to, data objects);

adding the references to a reference list (Davies, Column 3, lines 57-64 describe reference lists that Davies calls profile store and intelligent page store); and

manipulating the reference list (Davies, Column 3, lines 57-64 describe manipulation techniques such as summarizing, updating, etc.), wherein the reference

list and the data objects are displayed on a single window of the computer system

(Davies, Column 3, line 43 describes the Jasper agent integrated with a viewer).

As to Claim 27, Davies et al. teach a computer-readable storage medium

comprising a computer program (Davies, Column 1, lines 28-40 describe computers

executing programs), the computer program including instruction for:

selecting one or more non-modifiable data objects stored in a computer system (Davies,

Column 3, lines 36-40 describe selection of non-modifiable data);

creating references to the selected data objects satisfying the search parameters

(Davies, Column 2, lines 29-31 describe creating an index on, or pointer to, data

objects);

adding the references to a reference list (Davies, Column 3, lines 57-64 describe

reference lists that Davies calls profile store and intelligent page store); and

manipulating the reference list (Davies, Column 3, lines 57-64 describe manipulation

techniques such as summarizing, updating, etc.), wherein the reference list and the data

objects are displayed on a single window of the computer system (Davies, Column 3,

line 43 describes the Jasper agent integrated with a viewer).

As to Claim 29, Davies et al. teach a computer system for accessing (Davies,

Column 1, lines 28-33 describe accessing data), viewing (Davies, Column 3, line 27

describes a viewer) and manipulating data objects (Davies, Column 3, lines 57-64

describe manipulation techniques such as summarizing, updating, etc.) comprising:

a plurality of modifiable data objects stored in a storage of the computer system

(Davies, Column 5, lines 25-27 describe storing to the IPS which resides on the

computer system);

a plurality of non-modifiable data objects stored in a storage of the computer system

(Davies, Column 3, lines 36-40 describe selection of non-modifiable data);

a plurality of references to the non-modifiable data objects (Davies, Column 2, lines 29-

31 describe creating an index on, or pointer to, data objects); and

one or more lists of the references (Davies, Column 3, lines 57-64 describe reference

lists that Davies calls profile store and intelligent page store).

8.   Claims 28 is rejected under 35 U.S.C. 102(b) as being anticipated by US

6,138,142 (Linsk).

        As to Claim 28, Linsk teaches the computer-readable storage medium wherein

the computer program further includes instructions for converting one or more

modifiable data objects into non-modifiable data objects (Linsk, Column 4, lines 1-2

describe storing data as non-modifiable).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.,* 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 2, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. as applied to claims 1, 25, and 29, and further in view US 6,138,142 (Linsk).

As to Claim 2, Davies et al. teach the method of claim 1, further comprising: creating a plurality of modifiable data objects (Davies, Column 5, lines 4-24 describe the creation of a plurality of modifiable data objects); and

storing the plurality of modifiable data objects on the storage device of the computer system (Davies, Column 5, lines 25-27 describe storing to the IPS which resides on the computer system). .

Davies et al. do not teach, but Linsk teaches converting one or more modifiable data objects into non-modifiable data objects (Linsk, Column 4, lines 1-2 describe storing data as non-modifiable).

As to Claim 26, Davies et al. teach Claim 25. Davies et al. do not teach, but Linsk teaches wherein the computer program further includes instructions for converting one or more modifiable data objects into non-modifiable data objects (Linsk, Column 4, lines 1-2 describe storing data as non-modifiable).

As to Claim 30, Davies et al. teach the computer system of claim 29. Davies et al. do not teach, but Linsk teaches wherein one or more of the modifiable data objects are converted into non-modifiable data objects (Linsk, Column 4, lines 1-2 describe storing data as non-modifiable).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the converting one or more modifiable data objects into non-modifiable data objects method taught by Linsk, with the creating a plurality of modifiable data objects and storing the plurality of modifiable data objects on the storage device of the computer system method taught by Davies et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to allow a user to protect his/her collection of information from being accidentally overwritten or erased by another user.

10.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. as applied to claim 1 above, and further in view of US 5,491,820 (Belove et al.).

As to Claim 3, Davies et al. teach claim 1. Davies et al. do not teach, but Belove et al. teach wherein each of the references to the non-modifiable data objects further

comprises a modifiable tag field (Belove, Column 4, lines 45-48 describe modifiable

tagging).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the each of the references to the non-modifiable data

objects further comprises a modifiable tag field method taught by Belove et al., with the

method for accessing, viewing and manipulating data stored in a computer system,

comprising: selecting a plurality of non-modifiable data objects stored in a storage of the

computer system and creating references to the selected data objects and adding the

references to a first reference list and manipulating the first reference list wherein the

first reference list and the data objects corresponding to the references contained in the

first reference list are displayed in a single window of the computer system taught by

Davies et al.

One of ordinary skill in the art at the time the invention was made would have

been motivated to provide a user with a quick and easy way for selecting and

deselecting data objects in a collection that they may need at the time of their search.

11.   Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davies et al. as applied to claims 1 above, and further in view of US 5,991,728 (DeBusk

et al.) and US 6,052,776 (Miki et al.).

As to Claim 4, Davies et al. teach the method of claim 1, wherein each of the data objects contains a searchable (Davies, Column 5, lines 47-50 describe the retrieval based on keywords, which requires a search function); and

a searchable (Davies, Column 5, lines 47-50 describe the retrieval based on keywords, which requires a search function)

Davies et al. do not teach, but DeBusk et al. teach comment field (DeBusk, Column 21, lines 41-44 describe the use of a comment field)

Davies et al. do not teach, but Miki et al. teach tag field (Miki, Columns 15-16, lines 66-67, and 1-2 respectively, describe the use of tag fields).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of comment fields taught by DeBusk et al. and the use of tag fields taught by Miki et al. with the method for accessing, viewing and manipulating data stored in a computer system, comprising: selecting a plurality of non-modifiable data objects stored in a storage of the computer system and creating references to the selected data objects and adding the references to a first reference list and manipulating the first reference list wherein the first reference list and the data objects corresponding to the references contained in the first reference list are displayed in a single window of the computer system taught by Davies et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to allow comments and tags to be searchable to facilitate a more focused search.

As to Claim 5, Davies et al. teach the method of claim 1, wherein each of the data objects contains a searchable (Davies, Column 5, lines 47-50 describe the retrieval based on keywords, which requires a search function); and

a searchable (Davies, Column 5, lines 47-50 describe the retrieval based on keywords, which requires a search function)

Davies et al. do not teach, but DeBusk et al. teach comment field (DeBusk, Column 21, lines 41-44 describe the use of a comment field) and

Davies et al. do not teach, but Miki et al. teach tag field (Miki, Columns 15-16, lines 66-67, and 1-2 respectively, describe the use of tag fields).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of comment fields taught by DeBusk et al. and the use of tag fields taught by Miki et al. with the method for accessing, viewing and manipulating data stored in a computer system, comprising: selecting a plurality of non-modifiable data objects stored in a storage of the computer system and creating references to the selected data objects and adding the references to a first reference list and manipulating the first reference list wherein the first reference list and the data objects corresponding to the references contained in the first reference list are displayed in a single window of the computer system taught by Davies et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to allow comments and tags to be searchable to facilitate a more focused search.

12.   As to Claim 6, the combination of Davies et al., DeBusk et al. and Miki et al.

teach claim 5.

Davies et al teach the non-modifiable collection of data objects (Davies, Column

3, lines 36-40 describe selection of non-modifiable data) is created on a first computer

and the method further comprises adding a plurality of references to data objects stored

in the non-modifiable collection of data objects to a second reference list stored on a

second computer (Davies, Column 7, lines 41-60; and Columns 9 and 10, lines 38-67

and 1-4 discuss data that's created on one computer being able to be modified on

another computer including reference information).

13.   As to Claim 7, Davies et al. teach the method of claim 6, wherein the references

to the single data object are created by more than one search of the data objects

(Davies, Column 5, lines 14-27 describe references being created using a plurality of

searches).

14.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Davies et al. as applied to claim 1 above, and further in view of US 5,991,728

(DeBusk et al.).

As to Claim 11, Davies et al. teach the method of claim 1, wherein each data

object comprises a unique identifier (Davies, Column 2, lines 29-31 describes using

meta-information as a pointer, thus acting as a unique identifier to the information

pointed to), one or more fields of meta-information (Davies, Column 2, lines 23-27

describe the use of meta-information) and

Davies et al. do not teach, but DeBusk et al. teach freeform content (DeBusk,

Fig. 18, item 370 includes a freeform comment field).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the freeform content taught by DeBusk et al., with the

method for accessing, viewing and manipulating data stored in a computer system,

comprising: selecting a plurality of non-modifiable data objects stored in a storage of the

computer system and creating references to the selected data objects and adding the

references to a first reference list and manipulating the first reference list wherein the

first reference list and the data objects corresponding to the references contained in the

first reference list are displayed in a single window of the computer system taught by

Davies et al.

One of ordinary skill in the art at the time the invention was made would have

been motivated to provide the user additional means to annotate the items in the

collection of references.

As to Claim 12, the combination of Davies et al. and DeBusk et al. teach the

method of claim 11, wherein the meta information is used in searching the data objects

(Davies, Column 2, lines 29-31 describe the use of meta-information in searches) and

is displayed on the window of the computer system together with the data object

(DeBusk, Fig. 5 shows meta information displayed with the data object in pane 148).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the method of displaying on the window of the

computer system together with the data object taught by DeBusk et al., with the method

of claim 1, wherein each data object comprises a unique identifier, one or more fields of

meta-information and freeform content taught by the combination of Davies et al and

DeBusk et al.

One of ordinary skill in the art at the time the invention was made would have

been motivated to display a relationship between the metadata and object data for ease

of retrieval.

15.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linsk, as

applied to claim 28 above, and further in view of US 6,557,102 B1 (Wong et al.).

As to Claim 31, Linsk teaches the computer system of claim 28.

Linsk also teaches the conversion from modifiable data object into non-

modifiable data object is added to the non-modifiable data object (Linsk, Column 4, lines

1-2 describe storing data as non-modifiable).

Linsk does not teach, but Wong et al. teach wherein a timestamp corresponding

to the time of (Wong, Column 5, lines 64-66 describe placing a timestamp).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine a timestamp corresponding to the time method taught

by Wong et al., with the conversion from modifiable data object into non-modifiable data object is added to the non-modifiable data object method taught by Linsk.

One of ordinary skill in the art at the time the invention was made would have been motivated to record the time at which a data conversion occurred in order to trace its history.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These include:

- US 5,727,175 - OBJECT-ORIENTED COMPUTER USER INTERFACE

- US 5,717,923 - METHOD AND APPARATUS FOR DYNAMICALLY CUSTOMIZING ELECTRONIC INFORMATION TO INDIVIDUAL END USERS

- US 5,761,656 - INTERACTION BETWEEN DATABASES AND GRAPHICAL USER INTERFACES

- US 5,778,367 - AUTOMATED ON-LINE INFORMATION SERVICE AND DIRECTORY, PARTICULARLY FOR THE WORLD WIDE WEB

- US 5,428,778 - SELECTIVE DISSEMINATION OF INFORMATION

- US 5,721,897 - BROWSE BY PROMPTED KEYWORD PHRASES WITH AN IMPROVED USER INTERFACE

- US 5,838,326 - SYSTEM FOR MOVING DOCUMENT OBJECTS IN A 3-D WORKSPACE

- US 5,761,662 - PERSONALIZED INFORMATION RETRIEVAL USING USER-DEFINED PROFILE

- US 5,649,186 - SYSTEM AND METHOD FOR A COMPUTER-BASED DYNAMIC INFORMATION CLIPPING SERVICE

- US 5,694,594 - SYSTEM FOR LINKING HYPERMEDIA DATA OBJECTS IN ACCORDANCE WITH ASSOCIATIONS OF SOURCE AND DESTINATION DATA OBJECTS AND SIMILARITY THRESHOLD WITHOUT USING KEYWORDS OR LINK-DEFINING TERMS

- US 5,632,022 - ENCYCLOPEDIA OF SOFTWARE COMPONENTS

- US 5,717,925 - INFORMATION CATALOG SYSTEM WITH OBJECT-DEPENDENT FUNCTIONALITY

- US 5,623,652 - METHOD AND APPARATUS FOR SEARCHING FOR INFORMATION IN A NETWORK AND FOR CONTROLLING THE DISPLAY OF SEARCHABLE INFORMATION ON DISPLAY DEVICES IN THE NETWORK

- US 5,408,655 - USER INTERFACE SYSTEM AND METHOD FOR TRAVERSING A DATABASE

- US 5,446,891 - SYSTEM FOR ADJUSTING HYPERTEXT LINKS WITH WEIGHED USER GOALS AND ACTIVITIES

- US 5,845,278 - METHOD FOR AUTOMATICALLY SELECTING COLLECTIONS TO SEARCH IN FULL TEXT SEARCHES

- US 5,835,905 - SYSTEM FOR PREDICTING DOCUMENTS RELEVANT TO FOCUS DOCUMENTS BY SPREADING ACTIVATION THROUGH NETWORK REPRESENTATIONS OF A LINKED COLLECTION OF DOCUMENTS

- US 5,435,004 - COMPUTERIZED SYSTEM AND METHOD FOR DATA BACKUP

- US 5,206,951 - INTEGRATION OF DATA BETWEEN TYPED OBJECTS BY MUTUAL, DIRECT INVOCATION BETWEEN OBJECT MANAGERS CORRESPONDING TO OBJECT TYPES

- US 5,523,942 - DESIGN GRID FOR INPUTTING INSURANCE AND INVESTMENT PRODUCT INFORMATION IN A COMPUTER SYSTEM

- US 5,623,659 - PARENT/CHILD SUBSET LOCKING SCHEME FOR VERSIONED OBJECTS

- US 5,708,825 - AUTOMATIC SUMMARY PAGE CREATION AND HYPERLINK GENERATION

- US 5,737,599 - METHOED AND APPARATUS FOR DOWNLOADING MULTI-PAGE ELECTRONIC DOCUMENCTS WITH HINT INFORMATION

- US 5,913,215 - BROWSE BY PROMPTED KEYWORD PHRASES WITH

  AN IMPROVED METHOD FOR OBTAINING AN INITIAL DOCUMENT

  SET

- US 5,781,785 - METHOD AND APPARATUS FOR PROVIDING AN

  OPTIMIZED DOCUMENT FILE OF MULTIPLE PAGES

- US 6,226,412 - SECURE DIGITAL INTERACTIVE SYSTEM FOR

  UNIQUE PRODUCT IDENTIFICATION AND SALES

- US 5,682,535 - OPERATING SYSTEM AND DATA BASE USING

  TABLE ACCESS METHOD WITH DYNAMIC BINDING

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard G. Keehn whose telephone number is 571-270-

5007. The examiner can normally be reached on Monday through Thursday, 7:30am -

6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK
09/26/2007

TAGHI ARANI
PRIMARY EXAMINER